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REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA OF THE FORTY-NINTH SESSION

THE SITUATION IN THE OCCUPIED TERRITORIES OF CROATIA

Letter dated 27 May 1994 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to request, in accordance with rule 13 (e) of the rules of procedure of the General Assembly, the inclusion of an item entitled "The situation in the occupied territories of Croatia" in the provisional agenda of the forty-ninth session of the General Assembly, and to propose that it be referred to the Special Political and Decolonization Committee.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum concerning the request is hereby attached.

(Signed) Mario NOBILO
Permanent Representative

Annex

EXPLANATORY MEMORANDUM

The war in the Republic of Croatia started in June 1991, as a result of military aggression by the Serbian-controlled "Yugoslav People's Army" (JNA) and Serbian paramilitary units. It increased in intensity, resulting in tremendous loss of human lives and material destruction until the major military operations were halted by a cease-fire reached on 2 January 1992. In spite of the cease-fire, occupying forces continued on a smaller scale, however, to attack Croatian civilian and military targets and to pursue the deplorable campaign of ethnic cleansing.

As a result, the ethnic and demographic structure in the occupied territories of Croatia has been almost completely altered. According to the census of 1991, 533,202 people lived in the territories that are presently under Serbian occupation: 189,068 of them were Croats by nationality, 271,260 were Serbs and 72,875 were members of other minorities. Two years later, almost all non-Serbs have been expelled from those areas and hundreds killed; five of them as recently as two weeks ago near Daruvar. 1/

The peace plan for the resolution of the situation in Croatia - the "Vance plan" 2/ adopted by resolution 724 (1991) - has outlined the necessary framework for the durable cessation of hostilities. The only part of the plan ever formally implemented was the call for the withdrawal of the regular units of JNA from Croatia. This withdrawal was formally accomplished in October 1992, although the "Federal Republic of Yugoslavia (Serbia and Montenegro)" de facto maintained its presence in some parts of Croatia through transformation of JNA units into local paramilitary units and through support in the form of armaments and military equipment for those paramilitary units in the areas under the Vance plan.

The territories seized during the military operations by the JNA forces have been turned over to the extremist proxies controlled by the Belgrade regime. They de facto continued the occupation of these territories situated within the international borders of the Republic of Croatia on behalf of the "Federal Republic of Yugoslavia (Serbia and Montenegro)". The only example of the complete withdrawal of regular JNA units that have relinquished control of the territory to the Croatian authorities occurred in the area surrounding Dubrovnik.

The occupied territories in Croatia consist of most of the territory of the United Nations protected areas (UNPAs), created by the Vance plan, and of the so-called "pink zones" that do not form part of the UNPAs, but are under effective Serbian occupation. The "pink zones" are different from UNPAs, and they were created as a result of Croatia's flexibility and cooperation with the international community in its attempts to stop the fighting and create conditions for finding a peaceful settlement of the conflict. The concept of "pink zones" has been voluntarily agreed to by the Croatian Government. The Secretary-General, in his report of 26 June 1992, 3/ determined that they lie "outside the agreed UNPA boundaries"; and that Croatia "was under no obligation

to agree" to the concept of "pink zones"; and in his report of 27 July 1994, 4/ he expressed "special gratitude to the Government of Croatia for the flexibility it has shown in response to the Force Commander's efforts to find a solution to the question of 'pink zones'".

The Security Council, in its resolution 815 (1993), determined that the "UNPAs are integral parts of the Republic of Croatia", and has subsequently expressed "its commitment to ensure respect for the sovereignty and territorial integrity of the Republic of Croatia" (resolution 847 (1993) and resolution 871 (1993)). Regarding the "pink zones", the Security Council in its resolution 871 (1993) went on to stress "the importance it attaches, as a first step towards the implementation of the United Nations peace-keeping plan for the Republic of Croatia to the process of restoration of the authority of the Republic of Croatia in the 'pink zones'", and reiterated this in its resolution 908 (1994).

The original peace-keeping plan for Croatia called for, inter alia, "demobilization [that] would mean that the personnel involved would cease to wear any uniform or carry any weapon", and that "all paramilitary, irregular or volunteer units of personnel would either be withdrawn from the UNPAs or, if resident in them, be disbanded and demobilized". Subsequently, the Security Council in its resolution 752 (1992) "urged all parties and others concerned to cooperate in every way with UNPROFOR in accordance with the United Nations plan and to comply strictly with the plan in all its aspects, in particular the disarming of all irregular forces, whatever their origin, in the UNPAs". In its resolution 802 (1993), the Security Council called on both parties to cooperate in implementing the peace plan for Croatia, and demanded from the Serbian side "the disbanding and demobilization of Serb territorial defence units or other units of similar functions in the UNPAs".

As a result of the aggression and the continued occupation of certain parts of the territory of Croatia, the Croatian Government is not in control of those parts of its international borders adjacent to the Republic of Bosnia and Herzegovina and the "Federal Republic of Yugoslavia (Serbia and Montenegro)" that form part of UNPAs or "pink zones". The Security Council was seized of that matter in August 1992, when its resolution 769 (1992) "authorized UNPROFOR to carry out immigration and customs functions on the international borders of certain areas in Croatia where the boundaries of the UNPAs coincide with international frontiers". 5/

The sovereignty of Croatia over its entire territory, including its occupied parts - the UNPAs and the "pink zones" - is also reaffirmed in resolution 820 (1993). The relevance of paragraph 12 of resolution 820 (1993) can be seen in the intention of the Council not to prevent the creation of ties between the UNPAs and the outside world, but to insist that the local authorities use the relevant offices of the Croatian Government to facilitate such communication. There is not a single example where the local authorities in the UNPAs requested the permission to import, export or transship goods, as provided in paragraph 12.

The Serbian proxies in the occupied Croatian territories are trying to create the impression that they are under United Nations sanctions, although the

sanctions provisions of resolutions 757 (1992), 787 (1992) and 820 (1993) do not apply to any part of the territory of Croatia. On the contrary, UNPAs are not under sanctions, but they are cut off from the international markets as a result of the radical policy of the occupying authorities. The Croatian Government is willing to pursue the matter further, in direct negotiations with the occupying authorities in Knin, with a view to adopting a procedure that would facilitate commercial ties between the occupied territories and the international community in accordance with the legislation of Croatia, as provided for in paragraph 12 of resolution 820 (1993).

Owing to the non-cooperation of the Serbian side, UNPROFOR has never tried to implement resolution 769 (1992), which provides for UNPROFOR control of international borders of Croatia when they coincide with the boundaries of UNPAs, although it was evident that this failure resulted in flagrant breaches of the sanctions regime imposed by resolutions 757 (1992), 787 (1992) and 820 (1993). Leaving these parts of the Croatian border outside the effective control of the Croatian Government or UNPROFOR has enabled the "Federal Republic of Yugoslavia (Serbia and Montenegro)" to continue its military and logistic support to the occupying forces in Croatia. It has also enabled Serbian paramilitary units situated in Croatia to participate in Serbian military activities against the Republic of Bosnia and Herzegovina.

The Government of Croatia has on numerous occasions pointed out that the peace-keeping plan for Croatia is not being implemented as a result of constant obstruction by the Serbian side; that the ethnic structure within the UNPAs and the "pinks zones" has been forcibly changed by a systematic policy of "ethnic cleansing" by the Serbian side, notwithstanding the continuing presence of UNPROFOR; and that there is a pattern of murder, human rights abuses and intimidations perpetrated by the occupying authorities in UNPAs. The Secretary-General stated, in his report dated 15 May 1993, that "it is currently not possible for UNPROFOR to fulfil its mandate in Croatia", 6/ but the Security Council has not yet considered effective measures that would make the implementation of its resolutions possible.

The most significant developments in recent months, which raise serious concerns with the Government of Croatia, clearly demonstrate the unwillingness of the occupying Serbian authorities in the UNPAs to adhere to the peaceful settlement of the crisis by returning to comply with the Vance plan and the Zagreb cease-fire agreement of 29 March 1994. 7/ The actions of the Knin authorities to integrate the occupied territories of Croatia with the Serbian occupied territories in the Republic of Bosnia and Herzegovina, and to join the "Federal Republic of Yugoslavia (Serbia and Montenegro)", are de facto creating a greater Serbia.

The Croatian Government has informed the Security Council of the fact that the local authorities in the occupied territories issue personal documents labelled "Federal Republic of Yugoslavia, Republic of Serbian Krajina"; 8/ that the international telecommunication lines from occupied territories of Croatia are switched through Belgrade; 9/ that there is a continuous pillage of oil from UNPA, Sector East, and its transportation into Serbia in flagrant violation of resolution 757 (1992); 10/ that the occupying Serbian authorities are proceeding with the monetary, legal and administrative union between the occupied Croatian

territories, the Serbian occupied territories in the Republic of Bosnia and Herzegovina, and the "Federal Republic of Yugoslavia (Serbia and Montenegro)". 11/

All of the above has been reiterated in the recent inaugural address of the "prime minister" of the self-proclaimed "Republic of Serbian Krajina", which comprises the occupied territories of the Republic of Croatia, where the proxy occupying official reassured the "parliament" of the said illegal entity that "it is necessary to assure that the 'Federal Republic of Yugoslavia' National Bank becomes the only bank of issue [central bank] in the monetary system"; that the "monetary programme will be based on implementation of the same monetary programme as in the 'Federal Republic of Yugoslavia'"; that the "reintegration of 'Krajina' into Croatia is an empty wish of the Croatian leadership"; and that the "negotiating position of 'Krajina' will be territorial integrity and sovereignty of the 'Republic of Serbian Krajina', that will sooner or later unite with the 'Srpska Republic [occupied parts of Bosnia and Herzegovina], and Serbia and Montenegro into a unified State". He also emphasized that the customs, taxation, judiciary, monetary, economic and telecommunications systems of the occupied parts of Croatia have to be immediately integrated into the respective systems of the "Federal Republic of Yugoslavia (Serbia and Montenegro)". 12/

The Government of the Republic of Croatia has adhered to all of the relevant Security Council decisions and resolutions and was the first to agree to various peace initiatives by the Council and the international community. Under the auspices of the Russian Federation and the United States of America, an agreement on the comprehensive cease-fire throughout Croatia has been signed, 7/ with clear understanding by the mediators and the Croatian Government that the agreement would be only a first step in continuing negotiations on the confidence-building measures and the final political integration of the occupied territories into the legal system of Croatia.

However, as has been clearly demonstrated by the actions of the proxy occupying authorities in the UNPAs, it is not their intention to adhere to the said agreement, but to freeze the present confrontation lines into "green lines" of separation and create the boundaries of their self-proclaimed State, thus effectively enjoying the fruits of their occupation.

The simple fact that the Belgrade authorities are encouraging and implementing the above actions in the occupied parts of Croatia in the view of the Croatian Government demonstrates that Serbia has not relinquished its position of occupation with the formal withdrawal of JNA units from Croatia.

The Government of Croatia believes that this situation constitutes a serious threat to the sovereignty and territorial integrity of Croatia by the Belgrade regime, bluntly exacerbated by its continuing refusal of the proposed mutual recognition. The obstruction and unwillingness of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" to take part in discussions of the Working Group on Succession Issues of the International Conference on the Former Yugoslavia further demonstrates the intent of the Belgrade regime to integrate the occupied territories in the Republic of Croatia with Serbia and Montenegro. 13/

The final document of the Rome meeting of the Conference on Security and Cooperation in Europe (CSCE) 14/ states that "the current situation in the United Nations protected area zones jeopardizes the territorial integrity of Croatia". Peace and stability in Europe, under the CSCE auspices, are primarily based on the principle of inviolability of borders between European States. By occupying parts of the territory of Croatia and denying its peaceful reintegration into the legal and political system of Croatia, the "Federal Republic of Yugoslavia (Serbia and Montenegro)", and its proxies, are directly obstructing CSCE and its basic principles. Such action constitutes a serious threat to the security and territorial integrity of Croatia.

The mandate of UNPROFOR in Croatia was established on 21 February 1991. During the following 27 months to date, it has created misery for 36 families of valiant UNPROFOR troops who have been killed in the line of duty in Croatia, while 390 more have been injured. Furthermore, the costs of the UNPROFOR operation are mounting and imposing a heavy burden on the overall peace-keeping budget of the United Nations. At the same time, UNPROFOR has not been able to implement fully any of the Security Council resolutions concerning Croatia. Therefore, the General Assembly should reassess the effectiveness of the mandate of the peace-keeping forces in Croatia, with a view to finding the best possible way of achieving its goals.

The Security Council has been seized of the matter since September 1991. The beginning of the forty-ninth session of the General Assembly will mark the third year of its devoted but fruitless efforts. Therefore, it is a firm belief of the Government of Croatia that the inclusion of an item entitled "The situation in the occupied territories of Croatia", in the provisional agenda of the forty-ninth session of the General Assembly, and its referral to the Special Political and Decolonization Committee, would give an opportunity to all Member States to contribute to the process of finding a just and lasting solution to the situation and to reassess the effectiveness of the mandate of the peace-keeping forces in Croatia, where the territorial integrity of a United Nations Member State is seriously threatened and where peace and stability in Europe is at stake.

In view of the far-reaching implications of the aggression and continued occupation of parts of the territory of the Republic of Croatia by the paramilitary forces from Serbia and Montenegro and the proxy regime controlled and supported by the "Federal Republic of Yugoslavia (Serbia and Montenegro)", it is incumbent upon the General Assembly to deal with the question in all its aspects.

Notes

1/ See S/1994/573.

2/ See S/23280, annex III.

3/ S/24188.

4/ S/24353.

5/ See S/25264.

6/ S/25777.

7/ S/1994/367.

8/ S/25781 and S/1994/535.

9/ S/26541.

10/ S/25601 and S/25703.

11/ S/1994/215.

12/ S/1994/595.

13/ S/1994/624.

14/ S/26843.